

The Commissioner is authorized to charge any deficiency, or credit any excess in, the accompanying fee to Deposit Account No. 04-0100.

- Dated: May 10, 2006

Respectfully submitted,

By Walt Thomas Zielinski
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E.J. Ellis

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/218,761	12/22/1998	DIRK NEUBAUER	2338/OE966	2666

7590
HENRY STERNBERG
DARBY & DARBY
805 THIRD AVENUE
NEW YORK, NY 10022

04/18/2006

Petition to Revoke

DUE: May 18, 2006

Docketed on 4/26/06 by LLS for

Docketed without file ☐

Attorney [Signature]

EXAMINER	
LEWIS, TISHA D	
ART UNIT	PAPER NUMBER
3681	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

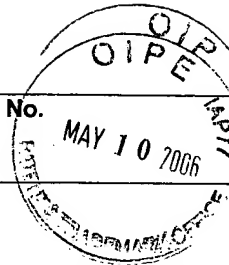
Notice of Abandonment

Application No.

09/218,761

Examiner

LEWIS



Applicant(s)

NEUBAUER

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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Applicant : Dirk Neubauer
Serial No. : 09/218,716
Filed: : 12/22/98
For : GEARBOX

Attorney : Edward J. Ellis
File No. : 03193/000E966-US0

Mailed : 9/1/05 Mailer: BP

EV 691012719 - US

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Davies 046,223 NTC to INcomplete Reply

JAD 00885 0202462

Per Nonsigning INV. CFR 1.47 \$130

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PMZ 05432 0202902

Yahoo 125,809 Reg CFR

FB 08226 1201265US1

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FB 01313 1201674US2

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SPL 06727 0201248

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HFT 218,761 Issue fee \$1400

ETE 03193 000E966

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691012722-PAT

Lundbeck Dev. spec. AAs, dec. Pre/ Amdt. IDS SB/08 ISR \$1460

MB 05432 100M507US1

Sumitomo spec. AAs, dec. (8) dwgs. Pre/ Amdt. \$1590

(1) Rep/ shd dwg. Prio doc. IDS. (2) Refs. Assign

MLC 20239 0202950

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reproduced in such exhibits; placed such documents in a packet bearing USPS label no.

EV691012719US; and, I oversaw the deposit of all of the original documents with the United States Postal Service (USPS), all on September 1, 2005, with sufficient postage as Express Mail.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

May 10, 2006


Dwight B. Peck

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